

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17978-2020
Date of Decision: July 28th, 2020

Dharamvir Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.

The petitioner seeks grant of regular bail in case bearing FIR No.197 dated 13.12.2019 under Sections 363, 366-A, 506 and 376 IPC and Sections 3 and 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Maqboolpura, Amritsar.

The petitioner solemnized marriage with Simranpreet Kaur as per Sikh rites and customs on 10.12.2019 against the wishes of the parents of Simranpreet Kaur. Thereafter, they approached the High Court for safeguarding of their life and liberty by way of CRWP-1994-2019. This Court, vide order dated 11.12.2019 (Annexure P.5), while disposing of the said petition, issued requisite directions to respondent No.3-SHO, Police Station, Maqboolpura, Amritsar.

On 13.12.2019, mother of Simranpreet Kaur got registered the present FIR. On 31.12.2019, Simranpreet Kaur gave a statement before the Judicial Magistrate under Section 164 Cr.P.C. in the present FIR (Annexure P.6) in favour of the petitioner. On 31.12.2019, the petitioner was arrested.

Subsequently, on 19.02.2020, Simranpreet Kaur again recorded her statement under Section 164 Cr.P.C. before the Judicial Magistrate stating therein that the petitioner had solemnized marriage with her forcibly in the High Court and kept her outside and committed rape upon her.

Learned counsel for the petitioner states that subsequent statement dated 19.02.2020 under Section 164 Cr.P.C., has been given because of family pressure as the marriage was performed with her consent and of her free will. The petitioner has been in custody since 31.12.2019. Counsel for the petitioner relies on the order dated 19.06.2020 passed in CRM-M-14067-2020 – Abhishek @ Abhi Vs. State of Haryana.

On the other hand, learned State counsel does not controvert that Simranpreet Kaur got recorded her statement under Section 164 Cr.P.C., in favour of the petitioner on 31.12.2019 in the present FIR; that the petitioner was arrested on 31.12.2019 and that subsequently, another statement dated 19.02.2020 under Section 164 Cr.P.C., was got recorded by Simranpreet Kaur against the petitioner. According to him, complainant-Harjinder Kaur, mother of the victim, stated in her statement that her daughter is 17 years of age and is a minor.

The petitioner has been in custody since 31.12.2019. The facts and circumstances on record prima-facie establish that there was a consensual love between the petitioner and Simranpreet Kaur. The investigation is over and the challan has since been presented. The trial is likely to take considerable long time. Thus, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars any further.

In view of the above, the present petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amitsar.

July 28th, 2020
ds

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No